

BOISE, MONDAY, MAY 8, 2023, AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 49029
)	
JARED LYLE HEAD,)	
)	
Defendant-Appellant.)	
)	
_____)	

Appeal from the District Court of the Sixth Judicial District of the State of Idaho, Oneida County. Hon. Javier L. Gabiola, District Judge.

Eric D. Fredericksen, State Appellate Public Defender, Boise, attorney for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, attorney for Respondent.

This appeal arises from the district court’s denial of Jared Head’s motion to strike certain evidence supporting a restitution order. Head worked as an onsite manager at the Village Inn Motel in Malad City, Idaho with his wife Teresa. After pleading guilty to grand theft, Head was ordered to pay \$24,535 in restitution based on evidence that he let people stay at the motel without paying and accepted rent payments that he did not turn over to the owners. Relevant to this appeal, some of the State’s evidence supporting the restitution amount related to a specific hotel guest – S.G. Just prior to resting its case at the restitution hearing, the State disclosed that S.G. was found incompetent to stand trial in an unrelated criminal case several months earlier. Head filed a motion to strike any testimony, exhibits, and statements regarding S.G. because the State withheld exculpatory evidence in violation of his due process rights under *Brady v. Maryland*, 373 U.S. 83 (1963). The district court denied Head’s motion after concluding that his due process claim was moot because *Brady* did not apply to restitution, which is civil in nature. Head now timely appeals, arguing that the district court abused its discretion by applying an incorrect legal standard to deny his motion to strike.